

The Examiner asserts that Fujii teaches an anti-stress composition comprising L-theanine as the active ingredient, and points out with reference to the Merck Manual that since stress reduction is one of the known treatments of PMS, the present invention is *prima facie* obvious. Fujii, however, discloses that the composition containing theanine is an anti-stress composition based only on the data that elevated pulse by isoproterenol is suppressed in rats by administration of theanine, and that elevated pulse and blood pressure at a load test of calculations in humans are suppressed by administration of theanine.

Applicants submit that it cannot be extrapolated that effectivity of theanine on PMS is *prima facie* obvious according to this data, because as shown in the Merck Manual cited by the Examiner, "Symptoms and signs" never refers to elevation of pulse and/or elevation of blood pressure. As disclosed in the Merck Manual, symptoms of PMS are very various, and the term, "anti-stress" has a very broad and is vague in concept. Accordingly, there are no reasonable grounds to combine Fujii and Merck Manual.

Without such motivation to combine the Fujii and Merck Manual references, the Examiner's rejection under 35 U.S.C. §103(a) is improper and therefore fails to render the present claims obvious. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.


If the Examiner has any questions or comments, please do not hesitate to contact Craig A. McRobbie, Registration No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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